

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CORY O'DELL DERRICK,

Plaintiff,

v.

Case No. 19-13105

CORRECT CARE SOLUTIONS,
et al.,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION
FOR ENTRY OF JUDGMENT AND FOR RETURN OF COPIES**

On October 23, 2019, Plaintiff filed a complaint alleging that his constitutional rights were violated as a pretrial detainee at the Isabella County Correctional Facility. (ECF No. 1, PageID.4-6.) On July 10, 2020, Defendants, healthcare providers at Isabella County Correctional Facility, moved for summary judgment. (ECF No. 28.) On January 15, 2021, Magistrate Judge Kimberly G. Altman issued a report and recommendation ("R&R") concluding that Defendants' motion for summary judgment should be granted. (ECF No. 49.) Plaintiff did not file objections to the R&R, and on February 12, 2021, the court adopted the R&R in full. (ECF No. 50.) The court issued a judgment in favor of Defendants and closed the case. (ECF No. 51.)

On March 8, 2021, the court received from Plaintiff a two-page "Motion for Entry of Judgment and for Return of Copies." (ECF No. 52.) Dated February 19, 2021, Plaintiff enclosed documents that he states "support[s] [his] claim." (*Id.*, PageID.415.) He does not analyze or explain the documents, but instead asks that the court read them and

“enter a judgment on [his] behalf.” (*Id.*) In addition, Plaintiff asks that the court “return [the] copies” so he can use them in a separate lawsuit. (*Id.*)

The court will not enter a judgment in favor of Plaintiff. On January 15, 2021, Magistrate Judge Altman recommended that the court grant Defendants’ motion for summary judgment. (ECF No. 49.) Plaintiff did not mail objections within fourteen days of the R&R, and on February 12, 2021, the court adopted the R&R. See Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”); *Howard v. Sec. of Health and Hum. Servs.*, 932 F.2d 505, 508 (6th Cir. 1991) (citing *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981)) (“[A] party waives his or her right to appeal by failing to file [timely] objections to a magistrate's report and recommendation.”). (ECF No. 50.)

The court received Plaintiff’s current motion on March 8, 2021, and Plaintiff dated the motion February 19, 2021, thirty-five days after Magistrate Judge Altman issued the R&R. The court has already entered a judgement in favor of Defendants, and the case is now closed. Plaintiff was provided adequate opportunities to respond to Defendants’ July 10, 2020, motion for summary judgment and object to the R&R. In the instant motion, Plaintiff provides no justification for vacating the court’s judgment, nor does he explain why, if he believes judgment in his favor is appropriate, he did not file an objection to the R&R. See *Howard*, 932 F.2d at 508. Thus, Plaintiff’s request for entry of judgment will be denied. (ECF No. 52.)

Plaintiff also asks the court to provide him with copies of documents that he included with the instant motion. (ECF No. 52, PageID.415.) Given that the documents

contain Plaintiff's medical records, the court will grant his request for copies. The court will include the documents with service of this order. Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Entry of Judgment and for Return of Copies" (ECF No. 52) is GRANTED IN PART and DENIED IN PART.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 20, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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